

**ALLEN & OVERY**

**VIA ECF**

The Honorable Paul G. Gardephe  
United States District Court Judge  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Room 2204

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March 4, 2024

**Re: *Emigrant Bank and Pacific Mercantile Bank v. SunTrust Bank, et al.*, No. 1:20-cv-02391**

Dear Judge Gardephe:

We represent non-parties Virgo Investment Group LLC, Virgo Societas Partnership III (Offshore), L.P., and Virgo Societas Partnership III (Onshore), L.P. (collectively “Virgo”) and write pursuant to Rule II B of Your Honor’s Individual Rules of Practice and in response to Defendant Truist Bank (“Truist”)’s letter requesting leave to file temporarily under seal Exhibits A, C, and E to its response to Plaintiffs’ pre-motion letter regarding Plaintiffs’ motion for partial summary judgment, ECF No. 159. We have conferred with counsel for Truist and do not oppose the publication of Exhibit E.

As to Exhibits A and C, Virgo cannot take a position at this time. No party has shared with Virgo a copy of Plaintiffs’ expert reports to allow Virgo the opportunity to evaluate its confidentiality interests in the Virgo-produced documents referenced in Exhibits A and C. As a result, to the extent that this Court intends to rule with respect to the sealing or redacting of such exhibits, Virgo respectfully requests the opportunity to review the Virgo-produced documents referenced in Exhibits A and C before any such ruling is made and entered.

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Respectfully submitted,

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